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2 City Attorney
3 CHERYL ADAMS, State Bar #164194
Chief Trial Deputy
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9 Attorneys for Defendants
MILTON BLISS, et al.

10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 SCANVINSKI JEROME HYMES,

14 Plaintiff,

15 vs.

16 MILTON BLISS, et al.

17 Defendants.

18 Case No. 16-cv-04288-JSC

19 **DECLARATION OF RENÉE E. ROSENBLIT
IN SUPPORT OF DEFENDANTS' MOTIONS
IN LIMINE NOS. 1-8**

20 Hearing Date: November 20, 2018
Time: 1:00 p.m.
Place: 450 Golden Gate Avenue
Courtroom F, 15th Floor
San Francisco, CA 94102

Trial Date: December 3, 2018

21

22 I, Renée E. Rosenblit, declare as follows:

23 1. I am a Deputy City Attorney in the San Francisco City Attorney's Office and counsel
24 for defendants in this matter. As such, I am familiar with this litigation and make this declaration of
25 my own personal knowledge, and if called upon, could testify competently thereto.

26 2. Attached hereto as Exhibit A is a true and correct copy of the Criminal Complaint in
27 this matter, in support of Defendants' Motion in Limine No. 4.

1 3. Attached as Exhibit B is a true and correct copy of the transcript of the cited portions of
2 the deposition of Eugene Jones, in support of Defendants' Motion in Limine No. 5.

3 4. Attached as Exhibit C is a true and correct copy of a transcript of the cited portions of
4 the deposition of Scott Neu, in support of Defendants' Motion in Limine Nos. 5 and 6.

5 5. Attached as Exhibit D is a true and correct copy of the video of the cell extraction on
6 July 24, 2014, in support of Defendants' Motion in Limine No. 5.

7 6. Attached as Exhibit E is a true and correct copy of a transcript of the cited portions of
8 the deposition of Pierre Gray, in support of Defendants' Motion in Limine No. 5.

9 7. Attached as Exhibit F is a true and correct copy of a transcript of the cited portions of
10 the deposition of Paul Timpano, in support of Defendants' Motion in Limine No. 5.

11 8. Attached as Exhibit G is a true and correct copy of a transcript of the cited portions of
12 the deposition of Plaintiff Scavinski Hymes, in support of Defendants' Motion in Limine Nos. 5 and
13 6.

14 9. Attached as Exhibit H is a true and correct copy of the Sheriff's Dept. termination letter
15 regarding Scott Neu, dated July 23, 2015, in support of Defendants' Motion in Limine No. 3.

16 10. Attached as Exhibit I is a true and correct copy of the San Francisco Sheriff's
17 Department policy entitled "S.O.R.T. – Cell Extraction," in support of Defendants' Motion in Limine
18 No. 7.

19 11. On October 22, 2018, the parties' respective counsel met and conferred via telephone to
20 discuss motions in limine and potential stipulated issues. Plaintiff's counsel tentatively agreed to
21 stipulate to exclude evidence and argument that any of the defendants were motivated by racial bias or
22 animus toward plaintiff on July 24, 2014. On October 25, 2018, defense counsel emailed plaintiff's
23 counsel to confirm their tentative agreement to exclude evidence or argument concerning racial bias.
24 On October 29, 2018, defense counsel sent a follow up email requesting confirmation.

25 12. On October 29, 2018, one week after the initial meet and confer telephone conference,
26 plaintiff's counsel responded by email that he did not agree to the proposed stipulation to exclude
27 evidence of racial bias. Later the same day, counsel for the parties spoke by telephone. Plaintiff's
28 counsel informed defense counsel that he believes he has a good faith argument in favor of presenting

1 evidence of the defendants' alleged racial bias in this case. However, plaintiff's counsel declined to
2 elaborate and did not identify any specific evidence that he intends to introduce at trial on the issue.

3 I declare under penalty of perjury under the laws of the State of California and the United
4 States of America that the foregoing is true and correct.

5 Executed this 31st day of October 2018, at San Francisco, California.

6
7 /s/ Renee E. Rosenblit
8 RENÉE E. ROSENBLIT
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PROOF OF SERVICE

I, ANNAMARIE DAVIS, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On October 31, 2018, I served the following document(s):

DECLARATION OF RENÉE E. ROSENBLIT IN SUPPORT OF DEFENDANTS' MOTIONS IN LIMINE NOS. 1-8

on the following persons at the locations specified:

Glenn Katon, Esq.
Katon Law
385 Grand Avenue, Suite 200
Oakland, CA 94610
gkaton@katon.law

Attorney for Plaintiff

(510) 463-3350 (Telephone)
(510) 463-3349 (Facsimile)

Caitlin Kelly Henry, Esq.
Attorney at Law
1201 Martin Luther King Jr. Way, Suite 200
Oakland, CA 94612
ckh@caitlinkellyhenry.com

Attorney for Plaintiff

(510) 277-2025 (Telephone)

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: annamarie.davis@sfcityatty.org in portable document format ("PDF") Adobe Acrobat.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed October 31, 2018, at San Francisco, California.

/s/ Annamarie Davis

ANNAMARIE DAVIS

Exhibit A

L. 601 + 602

977

3/28/ Sun
 D.9 → univeg
 D.20 Law course

GEORGE GASCÓN, SBN 182345
 District Attorney
 KELLY S. BURKE, SBN 251895
 Assistant District Attorney
 San Francisco District Attorney's Office
 White Collar Crimes Division
 732 Brannan Street
 Telephone: (415) 551-9523
 Facsimile: (415) 551-9504

ATTORNEYS FOR THE PEOPLE

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 CITY AND COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA,

FELONY COMPLAINT
ARREST WARRANTPlaintiff,
v.

COURT NUMBER:

CLIFFORD T CHIBA,
EUGENE A JONES,
SCOTT R NEU,

VIOLATIONS:
149 Penal Code/Felony (4 counts)
422 Penal Code/Felony (4 counts)
147 Penal Code/Misd. (4 counts)
673 Penal Code/Misd. (9 counts)
1222 Gov't Code/Misd. (2 counts)

Defendant(s).

SPECIAL ALLEGATIONS:
147 Penal Code
661 Penal Code
1202.4(a) Penal Code

SAN FRANCISCO DISTRICT ATTORNEY SENIOR INVESTIGATOR MIKE KLOSS,
 being sworn says, on information and belief, that:

COUNT: 1

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March, 2015, commit the crime of ASSAULT BY OFFICER UNDER COLOR OF AUTHORITY, to wit: Violating Section **149** of the Penal Code, a Felony, in that the said defendant, being then and there a Deputy Sheriff with the San Francisco Sheriff's Department, directed under color of authority the assault and beating of RICARDO PALAKIKO-GARCIA.

COUNT: 2

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March, 2015, commit the crime of ASSAULT BY OFFICER UNDER COLOR OF AUTHORITY, to wit: Violating Section **149** of the Penal Code, a Felony, in that the said defendant, being then and there a Deputy Sheriff with the San Francisco Sheriff's Department, directed under color of authority the assault and beating of STANLEY HARRIS.

COUNT: 3

The said defendants, EUGENE A JONES and SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of ASSAULT BY OFFICER UNDER COLOR OF AUTHORITY, to wit: Violating Section **149** of the Penal Code, a Felony, in that the said defendants, being then and there Deputy Sheriffs with the San Francisco Sheriff's Department, directed under color of authority the assault and beating of RICARDO PALAKIKO-GARCIA.

COUNT: 4

The said defendants, EUGENE A JONES and SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of ASSAULT BY OFFICER UNDER COLOR OF AUTHORITY, to wit: Violating Section **149** of the Penal Code, a Felony, in that the said defendants, being then and there Deputy Sheriffs with the San Francisco Sheriff's Department, directed under color of authority the assault and beating of STANLEY HARRIS.

COUNT: 5

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March, 2015, commit the crime of CRIMINAL THREATS, to wit: Violating Section **422** of the Penal Code, a Felony, in that the said defendant did willfully and unlawfully threaten to commit a crime which would result in great bodily injury to another person, to wit: RICARDO PALAKIKO-GARCIA, made so unequivocally, unconditionally, immediately, and specifically as to convey to the person threatened a gravity of purpose and an immediate prospect of execution.

COUNT: 6

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March, 2015, commit the crime of CRIMINAL THREATS, to wit: Violating Section **422** of the Penal Code, a Felony, in that the said defendant did willfully and unlawfully threaten to commit a crime which would result in great bodily injury to another person, to wit: STANLEY HARRIS, made so unequivocally, unconditionally, immediately, and specifically as to convey to the person threatened a gravity of purpose and an immediate prospect of execution.

COUNT: 7

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of CRIMINAL THREATS, to wit: Violating Section **422** of the Penal Code, a Felony, in that the said defendant did willfully and unlawfully threaten to commit a crime which would result in great bodily injury to another person, to wit: RICARDO PALAKIKO-GARCIA, made so unequivocally, unconditionally, immediately and specifically as to convey to the person threatened a gravity of purpose and an immediate prospect of execution.

COUNT: 8

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of CRIMINAL THREATS, to wit: Violating Section **422** of the Penal Code, a Felony, in that the said defendant did willfully and unlawfully threaten to commit a crime which would result in great bodily injury to another person, to wit: STANLEY HARRIS, made so unequivocally, unconditionally, immediately and specifically as to convey to the person threatened a gravity of purpose and an immediate prospect of execution.

COUNT: 9

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about and between the 16th day of January 2015, through the 25th day of March 2015, both dates inclusive, commit the crime of INHUMANITY TO PRISONER, to wit: Violating Section **147** of the Penal Code, a Misdemeanor, in that the said defendant committed willful inhumanity and oppression toward a prisoner under his care and in his custody, to wit: withholding food and clothing from RICARDO PALAKIKO-GARCIA.

COUNT: 10

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about and between the 3rd day of October 2014 through the 25th day of March 2015, both dates inclusive, commit the crime of INHUMANITY TO PRISONER, to wit: Violating Section **147** of the Penal Code, a Misdemeanor, in that the said defendant committed willful inhumanity and oppression toward a prisoner under his care and in his custody, to wit: withholding food, clothing, and bedding from STANLEY HARRIS.

COUNT: 11

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about and between the 3rd day of October 2014 through the 25th day of March 2015, both dates inclusive, commit the crime of INHUMANITY TO PRISONER, to wit: Violating Section **147** of the Penal Code, a Misdemeanor, in that the said defendant committed willful inhumanity and oppression toward a prisoner under his care and in his custody, to wit: ordering STANLEY HARRIS to do push-ups and dips against his will.

COUNT: 12

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about and between the 6th day of January 2015 through the 25th day of March 2015, both dates inclusive, commit the crime of INHUMANITY TO PRISONER, to wit: Violating Section **147** of the Penal Code, a Misdemeanor, in that the said defendant committed willful inhumanity and oppression toward a prisoner under his care and in his custody, to wit: withholding food, clothing, and bedding from NICHOLAS TILLER.

COUNT: 13

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March, 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing RICARDO PALAKIKO-GARCIA to engage in a physical fight with another inmate.

COUNT: 14

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 5th day of March 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing STANLEY HARRIS to engage in a physical fight with another inmate.

COUNT: 15

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing RICARDO PALAKIKO-GARCIA to engage in a physical fight with another inmate.

COUNT: 16

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about the 6th day of March, 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing STANLEY HARRIS to engage in a physical fight with another inmate.

COUNT: 17

The said defendant, SCOTT R NEU, did in the City and County of San Francisco, State of California, on or about and between the 3rd day of October 2014 through the 25th day of March 2015, both dates inclusive, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: ordering STANLEY HARRIS to do push-ups and dips against his will.

COUNT: 18

The said defendant, CLIFFORD T CHIBA, did in the City and County of San Francisco, State of California, on or about the 5th day of March 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: failing to stop the physical fight that RICARDO PALAKIKO-GARCIA was forced to participate in by another deputy.

COUNT: 19

The said defendant, CLIFFORD T CHIBA, did in the City and County of San Francisco, State of California, on or about the 5th day of March 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: failing to stop the physical fight that STANLEY HARRIS was forced to participate in by another deputy.

COUNT: 20

The said defendant, EUGENE A JONES, did in the City and County of San Francisco, State of California, on or about the 6th day of March 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing RICARDO PALAKIKO-GARCIA to engage in a physical fight with another inmate.

COUNT: 21

The said defendant, EUGENE A JONES, did in the City and County of San Francisco, State of California, on or about the 6th day of March 2015, commit the crime of CRUEL AND UNUSUAL PUNISHMENT OF PRISONER, to wit: Violating Section **673** of the Penal Code, a Misdemeanor, in that the said defendant used in the San Francisco County Jail cruel, corporal, and unusual punishment, and inflicted treatment and allowed a lack of care which would injure and impair the health of a prisoner, inmate, and person confined, to wit: forcing STANLEY HARRIS to engage in a physical fight with another inmate.

COUNT: 22

The said defendant, CLIFFORD T CHIBA, did in the City and County of San Francisco, State of California, on or about the 5th day of March 2015, commit the crime of WILLFUL OMISSION TO PERFORM OFFICIAL DUTY, to wit: Violating Section **1222** of the Government Code, a Misdemeanor, in that the said defendant willfully omitted to perform a duty enjoined by law upon a public officer, to wit: Deputy Sheriff with the San Francisco Sheriff's Department.

COUNT: 23

The said defendant, EUGENE A JONES, did in the City and County of San Francisco, State of California, on or about the 6th day of March 2015, commit the crime of WILLFUL OMISSION TO PERFORM OFFICIAL DUTY, to wit: Violating Section **1222** of the Government Code, a Misdemeanor, in that the said defendant willfully omitted to perform a duty enjoined by law upon a public officer, to wit: Deputy Sheriff with the San Francisco Sheriff's Department.

ALLEGATIONS REGARDING REMOVAL FROM OFFICE:

It is further alleged that if any defendant is convicted of a violation of Penal Code section 147, the court shall remove him from office.

It is further alleged that if any defendant is convicted of a violation of Penal Code section 149, which constitutes the neglect and violation of official duty on the part of a public officer, the court may remove him from office pursuant to Penal Code section 661.

It is further alleged that if any defendant is convicted of a violation of Penal Code section 673, which constitutes the neglect and violation of official duty on the part of a public officer, the court may remove him from office pursuant to Penal Code section 661.

It is further alleged that if any defendant is convicted of a violation of Government Code section 1222, which constitutes the neglect and violation of official duty on the part of a public officer, the court may remove him from office pursuant to Penal Code section 661.

ALLEGATION PURSUANT TO PENAL CODE SECTION 1202.4(a)

It is further alleged that if any defendant is convicted of any of the above offenses, the court may order the defendant to pay restitution to the victim(s) of the offense(s), and to the Restitution Fund, pursuant to Penal Code Section 1202.4(a).

AFFIDAVIT OR DECLARATION ATTACHED HERETO AND INCORPORATED HEREIN SETS FORTH THE UNDERLYING FACTS ESTABLISHING PROBABLE CAUSE FOR THE ARREST OF EACH DEFENDANT NAMED IN THIS COMPLAINT.

I state, declare, verify and certify under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on February 22, 2016.

Senior Investigator Mike Kloss, Star # 7007

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within fifteen (15) days, each defendant and/or his attorney disclose: (A) the names and addresses of persons, other than the defendant, he intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements, of those persons including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

MARSHY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2(a)(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2(a)(2).

Exhibit B

In The Matter Of:

*HYMES VS.
BLISS*

EUGENE JONES

August 8, 2018

CLARK REPORTING & VIDEO CONFERENCING

2140 SHATTUCK AVE. STE. 407

BERKELEY, CA 94704

WWW.CLARKDEPOS.COM

Original File JONES.txt

Min-U-Script® with Word Index

CLARK REPORTING & VIDEO CONFERENCING

1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 SCANVINSKI JEROME HYMES,)
5)
6 Plaintiff,)
7)
8 v.) No. 3:16-cv-04288-JSC
9)
10 MILTON BLISS, VICTOR M.)
11 SANCHEZ, JOSEPH A.)
12 LEONARDINI, SCOTT NEU,)
13 EUGENE A. JONES,)
14 PAUL TIMPANO, PIERRE A.)
15 GRAY,)
16)
17 Defendants.)
18)
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DEPOSITION OF EUGENE JONES

Wednesday, August 8, 2018

CLARK REPORTING & VIDEO CONFERENCING

2140 SHATTUCK AVE. STE. 407

BERKELEY, CA 94704

510.486.0700

Reported by:

SHELLI G. ENG, C.S.R. No. 11397

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

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3	MR. KATON	7

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12	2 Policy and procedure documents; 4 pages 19	
13	3 Policy and procedure documents; 3 pages 20	

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EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

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1 APPEARANCES

2

3

4 For the Plaintiff:

5

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Fax: (510) 463-3349
gkaton@katon.law

6

LAW OFFICE OF CAITLIN KELLY HENRY
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Phone: (510) 277-2025
ckh@caitlinkellyhenry.com

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For the Defendants:

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY
BY: BRIGGS MATHESON, DEPUTY CITY ATTORNEY
RENEE E. ROSENBLIT, DEPUTY CITY ATTORNEY
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rennee.rosenblit@sfcityatty.org

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

4

1 APPEARANCES

2 (Continued)

3

4

5 PAVONE LAW

6 BY: MATTHEW B. PAVONE, ESQUIRE
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Fax: (415) 892-0337
mpavone@pavonelaw.com

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The Videographer:

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JOSEPH MOURGOS
Eureka Street Legal Video
Phone: (415) 215-2041

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EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 SCANVINSKI JEROME HYMES,)
5)
6 Plaintiff,)
7)
8 v.) No. 3:16-cv-04288-JSC
9)
10 MILTON BLISS, VICTOR M.)
11 SANCHEZ, JOSEPH A.)
12 LEONARDINI, SCOTT NEU,)
13 EUGENE A. JONES,)
14 PAUL TIMPANO, PIERRE A.)
15 GRAY,)
16)
17 Defendants.)
18)
19

20 BE IT REMEMBERED THAT, pursuant to Notice,
21 and on Wednesday, August 8, 2018, commencing at the hour
22 of 9:58 a.m. thereof, at CLARK REPORTING & VIDEO
23 CONFERENCE, WELLS FARGO BUILDING, 2140 Shattuck Avenue,
24 Berkeley, California 94704, before me, SHELLI G. ENG,
25 C.S.R. No. 11397, a Certified Shorthand Reporter in the
 State of California, there personally appeared
 EUGENE JONES,
 called as a witness by the Plaintiff; who, having been
 duly affirmed by me, was thereupon examined and testified
 as is hereinafter set forth.

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EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

1 constitutional and statutory privileges from time to
2 time, and I will be advising him accordingly. Thank
3 you.

4 BY MR. KATON:

5 Q. Just so the record is clear, are you refusing
6 to answer the question of whether you were a sheriff's
7 deputy on July 24th, 2014?

8 MR. PAVONE: Yes.

9 THE WITNESS: Yes.

10 MR. PAVONE: I'm instructing the witness not
11 to answer that question.

12 BY MR. KATON:

13 Q. Do you recall an incident involving Scanvinski
14 Jerome Hymes on July 24th, 2014?

15 MR. PAVONE: Objection. Violates
16 constitutional privilege. Instruct the witness not to
17 answer.

18 You should read the invocation that I provided
19 to you, Deputy Jones.

20 Deputy Jones?

21 THE WITNESS: Yes, sir.

22 MR. PAVONE: Read the invocation that I
23 provided to you so we can make a proper record.

24 THE WITNESS: "I respectfully decline to
25 answer that question based upon my rights against

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

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1 self-incrimination under the United States and
2 California Constitutions and the California Evidence
3 Code."

4 MR. KATON: If your counsel does not object,
5 we can refer to that invocation so that the witness
6 doesn't have to recite it in full.

7 MR. PAVONE: Fine. I appreciate that and I
8 accept that offer. Thank you.

9 BY MR. KATON:

10 Q. Have you ever met Scanvinski Jerome Hymes
11 before?

12 MR. PAVONE: Go ahead.

13 THE WITNESS: Yes.

14 BY MR. KATON:

15 Q. Had you ever met him prior to July 24th, 2014?

16 A. No.

17 Q. What were -- well, did you meet him on July
18 24th, 2014?

19 MR. PAVONE: Instruct the witness not to
20 answer based on his constitutional rights.

21 BY MR. KATON:

22 Q. Are you going to invoke the privilege that you
23 recited earlier?

24 A. Yes, sir.

25 Q. Were you part of -- well, let me withdraw

EUGENE JONES

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11

1 that.

2 Do you know what a S.O.R.T. team is?

3 A. Yes.

4 Q. What is a S.O.R.T. team?

5 A. S.O.R.T. team is a group of individuals put
6 together to remove someone from a cell or their housing
7 location.

8 Q. And were you part of a S.O.R.T. team on
9 July 24th, 2014?

10 MR. PAVONE: Instruct the witness not to
11 answer based on his constitutional privilege.

12 BY MR. KATON:

13 Q. Are you going to invoke the privilege that you
14 recited earlier?

15 A. Yes.

16 Q. Are you aware of whether any sheriff's
17 deputies removed Mr. Hymes from his cell on July 24th,
18 2014?

19 MR. PAVONE: Instruct the witness not to
20 answer based on his constitutional privileges.

21 BY MR. KATON:

22 Q. Are you going to invoke the privilege that you
23 recited earlier?

24 A. Yes.

25 Q. Do you know of any deputies who were involved

EUGENE JONES

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12

1 in removing Mr. Hymes from his cell on July 24th, 2014?

2 MR. PAVONE: Instruct the witness not to
3 answer based on his constitutional privileges.

4 BY MR. KATON:

5 Q. Are you going to invoke the --

6 A. Yes.

7 Q. -- privilege that you recited earlier?

8 A. Yes.

9 Q. So now, I want to be clear that I'm not asking
10 anything about you or whether you were involved in
11 removing Mr. Hymes from his cell. I'm asking if you are
12 aware of whether any other deputies were involved in
13 removing Mr. Hymes from his cell on July 24th, 2014.

14 MR. PAVONE: Instruct the witness not to
15 answer.

16 Deputy, to facilitate things, when I say that,
17 you can then give the response that "I invoke my
18 privilege . . ."

19 THE WITNESS: Okay.

20 MR. PAVONE: Just to speed it along. I'm
21 instructing the witness not to answer that question.

22 THE WITNESS: I invoke -- or, yes. I don't
23 know what to say.

24 BY MR. KATON:

25 Q. If you intend to invoke the privilege that you

EUGENE JONES

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13

1 recited earlier, you can just say "I am invoking the
2 privilege that I recited earlier."

3 A. Okay.

4 Q. And that's what you're doing?

5 A. Yes.

6 Q. So did you ever -- well, let me withdraw that.

7 Did you ever observe Scavinski Jerome Hymes
8 after July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to
10 answer.

11 BY MR. KATON:

12 Q. And are you going to invoke the privilege that
13 you recited earlier?

14 A. Yes.

15 Q. Did you give any commands to Scavinski Jerome
16 Hymes on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to
18 answer. Same grounds.

19 BY MR. KATON:

20 Q. And are you --

21 A. Yes.

22 Q. Just so the record is clear, are you invoking
23 the privilege that you recited earlier?

24 A. Yes, sir.

25 MR. PAVONE: And for the record, all of my

EUGENE JONES

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14

1 instructions not to answer are based on his
2 constitutional rights unless otherwise indicated.

3 BY MR. KATON:

4 Q. Did you use any force on Mr. Hymes on
5 July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And, Mr. Jones, are you going to invoke the
10 privilege that you recited earlier?

11 A. Yes, sir.

12 Q. Did you observe any other sheriff's deputies
13 using force on Mr. Hymes on July 24th, 2014?

14 MR. PAVONE: Instruct the witness not to
15 answer. Same grounds.

16 BY MR. KATON:

17 Q. And are you going to invoke the privilege you
18 recited earlier?

19 A. Yes, sir.

20 Q. Do you recall if you prepared an incident
21 report in connection with Scanvinski Jerome Hymes
22 relating to an incident on July 24th, 2014?

23 MR. PAVONE: Instruct the witness not to
24 answer. Same grounds.

25 BY MR. KATON:

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15

1 Q. And are you going to invoke the privilege you
2 recited earlier?

3 A. Yes.

4 Q. Did you observe Mr. Hymes hit his head on a
5 toilet on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege you
10 recited earlier?

11 A. Yes, sir.

12 Q. Do you know whether Mr. Hymes sustained any
13 injuries in connection with being removed from his cell
14 on July 24th, 2014?

15 MR. PAVONE: Instruct the witness not to
16 answer. Same grounds.

17 BY MR. KATON:

18 Q. And are you going to invoke the privilege that
19 you recited earlier?

20 A. Yes.

21 Q. Do you know how Mr. Hymes might have sustained
22 any injuries on July 24th, 2014?

23 MR. PAVONE: Objection. Instruct the witness
24 not to answer. Same grounds.

25 BY MR. KATON:

EUGENE JONES

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16

1 Q. Are you going to invoke the privilege that you
2 recited earlier?

3 A. Yes.

4 Q. Did you observe any sheriff's deputies kick
5 Mr. Hymes on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege that
10 you recited earlier?

11 A. Yes, sir.

12 Q. Did you observe any sheriff's deputies punch
13 Mr. Hymes on July 24th, 2014?

14 MR. PAVONE: Instruct the witness not to
15 answer.

16 THE WITNESS: Yes, sir.

17 MR. PAVONE: Well --

18 THE WITNESS: I respectfully decline to answer
19 that question.

20 BY MR. KATON:

21 Q. Yes, you meant you're following your
22 attorney's instruction not to answer?

23 A. Yes, correct.

24 Q. So just try -- I know you know what I am
25 saying, but just let me finish before you start to

EUGENE JONES

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17

1 answer so the record is clear.

2 A. Yes, sir. Sorry about that.

3 Q. No problem.

4 Do you know any reason why Mr. Hymes may have
5 been removed from his cell on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege that
10 you recited earlier?

11 A. Yes, sir.

12 Q. I may have asked a similar question when we
13 first started this morning, but just -- I would like to
14 make sure that I asked you this.

15 Were you working as a sheriff's deputy for the
16 City and County of San Francisco on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to
18 answer. Same grounds.

19 BY MR. KATON:

20 Q. And are you going to invoke the privilege that
21 you recited earlier?

22 A. Yes, sir.

23 Q. Do you know if Sergeant Bliss assembled a
24 S.O.R.T. team to remove Mr. Hymes from his cell on
25 July 24th, 2014?

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

1 MR. PAVONE: Instruct the witness not to
2 answer. Same grounds.

3 BY MR. KATON:

4 Q. And are you going to invoke the privilege you
5 recited earlier?

6 | **A.** Yes.

7 Q. Did you observe Mr. Hymes resisting any
8 deputies on July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to
10 answer. Same grounds.

11 BY MR. KATON:

12 Q. And are you going to invoke the privilege that
13 you recited earlier?

14 **A.** **Yes.**

15 Q. I will get the court reporter to mark the
16 first exhibit, please.

17 (Whereupon Plaintiff's Exhibit 1 was marked
18 for identification by the court reporter.)

19 BY MR. KATON:

20 Q. And if you could look at Exhibit 1 and tell me
21 if you recognize this document.

22 MR. PAVONE: Go ahead. You can answer that
23 question.

24 THE WITNESS: Yes.

25 BY MR. KATON:

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19

- 1 Q. And what is this document?
- 2 A. The title is "S.O.R.T. Cell Extraction."
- 3 Q. And you've seen this document before?
- 4 A. Yes.
- 5 Q. And were you familiar with this document as of
- 6 July 24th, 2014?
- 7 MR. PAVONE: Instruct the witness not to
- 8 answer. Same grounds.
- 9 BY MR. KATON:
- 10 Q. And are you going to invoke the privilege that
- 11 you recited earlier?
- 12 A. Yes.
- 13 Q. I'll ask the court reporter to mark 2, please.
- 14 (Whereupon Plaintiff's Exhibit 2 was marked
- 15 for identification by the court reporter.)
- 16 BY MR. KATON:
- 17 Q. And if you could tell me -- take a minute to
- 18 review it and let me know if you are familiar with the
- 19 document that is Exhibit 2?
- 20 A. Yes, sir.
- 21 Q. You are familiar with it?
- 22 A. Yes, sir.
- 23 Q. And what is that?
- 24 A. The use of force policy.
- 25 Q. And you've seen this before today?

EUGENE JONES

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20

1 A. Yes.

2 Q. And were you familiar with this document as of
3 July 24th, 2014?

4 MR. PAVONE: Instruct the witness not to
5 answer. Same grounds.

6 BY MR. KATON:

7 Q. And are you going to invoke the privilege that
8 you recited earlier?

9 A. Yes.

10 Q. I will ask the court reporter to mark 3,
11 please.

12 (Whereupon Plaintiff's Exhibit 3 was marked
13 for identification by the court reporter.)

14 BY MR. KATON:

15 Q. If you could take a moment to look at what's
16 marked as Exhibit 3, and let me know if you know what
17 that is.

18 A. Yes, sir.

19 Q. What is that?

20 A. That's the incident report policy.

21 Q. And were you familiar with this document
22 before today?

23 A. Yes.

24 Q. And were you familiar with this document as of
25 July 24th, 2014?

EUGENE JONES

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21

1 MR. PAVONE: Instruct the witness not to
2 answer. Same grounds.

3 BY MR. KATON:

4 Q. And are you going to invoke the privilege that
5 you recited earlier?

6 A. Yes.

7 Q. Did you observe Sergeant Bliss using any force
8 against Mr. Hymes on July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to
10 answer.

11 BY MR. KATON:

12 Q. Are you going to invoke the privilege you
13 recited earlier?

14 A. Yes.

15 Q. Did you observe Deputy Timpano using any force
16 against Mr. Hymes on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to
18 answer.

19 BY MR. KATON:

20 Q. Are you going to invoke the privilege you
21 recited earlier?

22 A. Yes.

23 Q. Did you observe Deputy Neu use any force
24 against Mr. Hymes on July 24th, 2014?

25 MR. PAVONE: Instruct the witness not to

EUGENE JONES

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26

1 BY MR. KATON:

2 Q. Is there a part of that question that you
3 didn't understand that I can clarify?

4 A. No. I understand now, sir.

5 Q. Okay. What is your answer to that question
6 subject to Mr. Matheson's objection?

7 THE WITNESS: Does that mean I answer?

8 MR. PAVONE: You can answer.

9 THE WITNESS: No.

10 BY MR. KATON:

11 Q. Do you agree that sheriff's deputies may only
12 use the force that a reasonable officer would use in
13 similar circumstances?

14 MR. MATHESON: Same objection. Calls for a
15 legal conclusions.

16 MR. PAVONE: And instruct not to answer on
17 constitutional privilege grounds.

18 BY MR. KATON:

19 Q. Are you going to refuse to answer and invoke
20 the privilege that you recited earlier?

21 A. Yes.

22 Q. Do you agree that a sheriff's deputy
23 witnessing another deputy using excessive force is
24 obligated to intervene to stop that from happening?

25 MR. PAVONE: Instruct the witness not to

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

1 answer based on constitutional privilege.

2 MR. MATHESON: Same objections.

3 BY MR. KATON:

4 Q. Are you going to decline to answer based upon
5 the privileges that you recited earlier?

6 A. Yes. Excuse me, yes.

7 Q. Are you aware of a policy in the San Francisco
8 jail that prohibits prisoners from using vulgar
9 language?

10 MR. PAVONE: You can answer.

11 THE WITNESS: Can you repeat the question,
12 sir?

13 BY MR. KATON:

14 Q. Sure.

15 Are you aware of a policy in the San Francisco
16 jail that prohibits prisoners from using vulgar
17 language?

18 A. No.

19 Q. Would you agree that sheriff's deputies who do
20 use excessive force against prisoners should be
21 accountable for their conduct?

22 MR. MATHESON: Instruct the witness not to
23 answer.

24 BY MR. KATON:

25 Q. Are you going to refuse to answer based upon

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28

1 privilege that you recited earlier?

2 A. Yes, sir.

3 Q. Do you agree that when dealing with a prisoner
4 who is not following commands of deputies that sheriff's
5 deputies should try to use deescalation before using
6 force when feasible?

7 MR. PAVONE: Instruct the witness not to
8 answer.

9 BY MR. KATON:

10 Q. Are you going to decline to answer based upon
11 the privileges that you recited earlier?

12 A. Yes, sir.

13 Q. Do you agree that sheriff's deputies should
14 give prisoners a warning before using force to give them
15 the opportunity to comply before the force is used when
16 that's feasible?

17 MR. PAVONE: Instruct the witness not to
18 answer.

19 BY MR. KATON:

20 Q. Are you going to decline to answer based upon
21 the privileges that you recited earlier?

22 A. Yes.

23 Q. Mr. Jones, are you currently employed?

24 MR. PAVONE: You can answer.

25 THE WITNESS: Yes.

EUGENE JONES

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37

1 Q. And you did not discuss the incident with any
2 of your fellow deputies at the San Francisco Sheriff's
3 Department?

4 A. No.

5 Q. In preparation for this deposition, did you
6 review any incident report?

7 A. Not that I recall, but I'm not sure.

8 Q. Did you review any witness statements in
9 preparation for this deposition?

10 A. No.

11 Q. Did you review any memoranda in preparing for
12 this deposition?

13 MR. MATHESON: Objection to the extent the
14 question is seeking information protected by the
15 attorney-client privilege.

16 MR. KATON: So I will rephrase that.

17 Q. Did you review any memoranda in preparation
18 for this deposition other than any that may have been
19 provided to you by your attorneys or prepared by your
20 attorney?

21 A. No.

22 Q. And have you been investigated by the
23 San Francisco Sheriff's Department for use of force in
24 the past?

25 MR. PAVONE: Instruct the witness not to

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

1 answer. Same grounds.

2 BY MR. KATON:

3 Q. And are you going to decline to answer based
4 upon the privileges that you recited earlier?

5 A. Yes.

6 MS. ROSENBLIT: In addition, we would like to
7 object that the question calls for information protected
8 by the deponent's right to privacy and the official
9 information privilege.

10 BY MR. KATON:

11 Q. Have you ever been disciplined by the
12 San Francisco Sheriff's Department for use of force
13 before?

14 MR. PAVONE: Instruct the witness not to
15 answer.

16 MR. MATHESON: Same objections.

17 BY MR. KATON:

18 Q. Are you going to decline to answer based upon
19 the privileges that you recited earlier?

20 A. Yes.

21 Q. Have you been disciplined for any reason by
22 the San Francisco Sheriff's Department relating to the
23 treatment of prisoners?

24 MR. PAVONE: Instruct the witness not to
25 answer.

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1 MR. MATHESON: Same objections.

2 BY MR. KATON:

3 Q. Are you going to decline not to answer based
4 upon the privileges that you recited earlier?

5 A. Yes.

6 Q. Have you ever been disciplined for your
7 conduct in S.O.R.T. operations?

8 MR. PAVONE: Instruct the witness not to
9 answer.

10 MR. MATHESON: Same objection.

11 BY MR. KATON:

12 Q. Are you going to decline to answer based upon
13 the privileges that you recited earlier?

14 A. Yes.

15 Q. Have you been disciplined before for failing
16 to prepare incident reports as required?

17 MR. PAVONE: Instruct the witness not to
18 answer.

19 MR. MATHESON: Same objections.

20 BY MR. KATON:

21 Q. Are you going to decline not to answer based
22 upon the privileges you recited earlier?

23 A. Yes.

24 Q. Have you been a party to a civil lawsuit apart
25 from the one that we are here about today?

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1 STATE OF CALIFORNIA)

2 COUNTY OF ALAMEDA)

3 I, Shelli G. Eng, Certified Shorthand Reporter,
4 No. 11397, State of California, do hereby certify:

5 That prior to being examined, the witness named
6 in the foregoing deposition, to wit, EUGENE JONES, was by
7 me duly affirmed to testify the truth, the whole truth
8 and nothing but the truth; that said deposition was taken
9 down by me in shorthand at the time and place therein
10 named and thereafter reduced to typewriting under my
11 direction and supervision; that the witness was given an
12 opportunity to read and correct said deposition and to
13 subscribe the same. Should the signature of the witness
14 not be affixed to the deposition, the witness did not
15 avail himself of the opportunity to sign or the signature
16 has been waived.

17 I further certify that I am not of counsel for
18 either or any of the parties to the said deposition, nor
19 in any way interested in the event of this action and
20 that I am not related to any of the parties thereto.

21 WITNESS MY HAND this 17th day of August, 2018.
22

23 -----
24 SHELLI G. ENG, CSR NO. 11397
25 CERTIFIED SHORTHAND REPORTER

EUGENE JONES

Exhibit C

In The Matter Of:

*HYMES VS.
BLISS*

SCOTT NEU

August 9, 2018

CLARK REPORTING & VIDEO CONFERENCE

2140 SHATTUCK AVE. STE. 405

BERKELEY, CA 94704

510.486.0700

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ---oo---

5 SCANVINSKI JEROME HYMES,

6 Plaintiff,

7 vs. Case No. 3:16-cv-04288-JSC

8 MILTON BLISS, VICTOR M. SANCHEZ,
9 JOSEPH A. LEONARDINI, SCOTT NEU,
10 EUGENE A. JONES, PAUL TIMPANO,
11 PIERRE A. GRAY,

12 Defendants.

13 _____/

14

15 VIDEOTAPED DEPOSITION OF SCOTT NEU

16 Thursday, August 9, 2018

17 NONCONFIDENTIAL TRANSCRIPT

18 Pages 1-42; 44-59; 63-94

19

20 CLARK REPORTING & VIDEO CONFERENCING

21 2140 SHATTUCK AVE. STE. 407

22 BERKELEY, CA 94704
23 510.486.0700

24 REPORTED BY:

25 SANDRA L. CARRANZA, CRR, RPR, CSR 7062

1

2

3 I N D E X

4

5 DEPOSITION OF SCOTT NEU

6

7 EXAMINATION BY:

PAGE

8

MR. KATON

6, 92

9

MS. ROSENBLIT

92

10

11 CONFIDENTIAL PORTION - BOUND SEPARATELY

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12

CONFIDENTIAL PORTION - ATTORNEYS' EYES ONLY -
13 BOUND SEPARATELY

60-62

14

15 PLAINTIFF'S EXHIBITS MARKED

16

Exhibit 1 Incident Report Statement

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Exhibit 2 SF Sheriff's Dept. Policy and
Procedure - Use of Force

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Exhibit 3 SF Sheriff's Dept. Policy and
Procedure - SORT - Cell Extraction

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20

Exhibit 4 SF Sheriff's Dept. Policy and
Procedure - Incident Reports

50

21

22 -----
23
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25

1 A P P E A R A N C E S
2

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26 ALSO PRESENT: JOSEPH MOURGOS, VIDEOGRAPHER

27
28 TAKEN AT: CLARK REPORTING AND VIDEO
29 CONFERENCE
30 2140 Shattuck Avenue Suite 407
31 Berkeley, California 94704

1 BE IT REMEMBERED that, pursuant to Notice
2 of Taking Deposition and on Thursday, August 9,
3 2018, commencing at the hour of 10:09 A.M., before
4 me, SANDRA L. CARRANZA, CSR No. 7062, RPR, CRR,
5 there personally appeared

6

7

SCOTT NEU

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9 called as a witness by the Plaintiff, who, having
10 been first duly sworn, was examined and testified as
11 hereinafter set forth.

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SCOTT NEU

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10:10 1 representing Clark Court Reporting and Video
2 Conferencing.

3 Would the reporter please administer the
4 oath.

10:10 5 (Oath administered)

6 THE WITNESS: Yes.

7

8 SCOTT NEU

9 having been duly sworn, testified as follows:

10:10 10

11 EXAMINATION BY MR. KATON

12 MR. KATON: Q. Good morning, sir.

13 A. Good morning.

14 Q. My name is Glenn Katon, as you just heard.

10:10 15 I'm representing the plaintiff in a lawsuit against
16 seven deputy sheriffs, and -- oh, first of all, can
17 you state your name for the record, please?

18 A. My name is Scott Neu. N-E-U is the last
19 name.

10:11 20 Q. And have you had your deposition taken
21 before, Mr. Neu?

22 A. Have I had a deposition? Yes.

Q. How many times?

24 A. Twice.

10:11 25 Q. What type of cases were those?

SCOTT NEU

7

10:11 1 A. One was a use of force case and the other
2 was --

3 MS. PIFARI: I'm going to object. I'm
4 going to instruct my client not to answer in order
10:11 5 to assert his statutory rights and privileges under
6 state and federal law, specifically his Fifth
7 Amendment right to remain silent.

8 Instruct you not to answer.

9 MR. KATON: Q. Are you going to decline to
10:11 10 answer the question?

11 A. On advice of my Counsel, I'm going to take
12 the Fifth Amendment.

13 Q. Have you ever testified at trial before?

14 A. Yes.

10:11 15 Q. What type of cases -- well, how many cases?

16 A. I believe just one.

17 Q. What type of case was that?

18 A. I believe it was use of force.

19 MS. PIFARI: I'm going to object for the
10:12 20 aforementioned reasons and instruct my client not to
21 answer.

22 MR. KATON: Q. Are you going to follow
23 your attorney's instruction?

24 A. I am.

10:12 25 Q. So do you understand that even though we're

SCOTT NEU

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11:27 1 observe any other deputies use force against
2 Mr. Hymes?

3 MS. ROSENBLIT: Objection. Vague and
4 compound.

11:27 5 Are we talking about other than what's
6 already been described or ...

7 MR. KATON: Q. Do you understand the
8 question?

9 A. I understand.

11:28 10 Q. Okay. Can you answer it?

11 A. The answer is no.

12 Q. So to be clear -- I'm sorry, to be clear,
13 you did not see any other deputies punch Mr. Hymes
14 on the day of the incident?

11:28 15 A. Correct.

16 Q. You did not see any other deputies kick
17 Mr. Hymes on the day of the incident?

18 A. Correct.

19 Q. And you did not see any other deputies
11:28 20 strike Mr. Hymes in any way?

21 A. Correct.

22 Q. Did you observe any impact that could have
23 broken Mr. Hymes' nose?

24 A. No.

11:28 25 Q. Did you observe any impact that you believe

SCOTT NEU

36

11:28 1 could have fractured his jaw?

2 MS. ROSENBLIT: Objection to this one,
3 belatedly for the last one. Calls for speculation
4 and expert medical opinion.

11:29 5 MR. KATON: Q. You can answer, if you
6 understand.

7 A. The answer is no.

8 Q. I know that you testified earlier about
9 Mr. Hymes bleeding. Did you actually see
11:29 10 lacerations?

11 A. I saw blood coming from his facial area,
12 but I didn't see the actual opening of the cut, but
13 I saw blood from his facial area.

14 Q. And you described who was on the SORT team
11:29 15 and who was otherwise present for the cell
16 extraction.

17 Can you tell me, to the best of your
18 recollection, which deputies were inside the cell
19 other than yourself? And this is during the process
11:29 20 of the cell extraction.

21 A. To the best of my abilities would be Deputy
22 Timpano and Deputy Jones. There may have been more,
23 but they had helmets on and face masks, so I
24 couldn't recognize them.

11:30 25 Q. So does that mean you believe there were

SCOTT NEU

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11:49 1 (Resumption of non-confidential portion of the
2 transcript.)

3 MR. KATON: Q. Does the San Francisco
4 Sheriff's Department require deputies to maintain
12:03 5 any level of physical conditioning?

6 A. No.

7 Q. Were you doing anything around July 24th,
8 2014, to maintain your own physical fitness?

9 A. Yes.

10 Q. What were you doing?

11 A. Going to the gym that's provided in the
12 building on a daily basis.

13 Q. And what types of training were you doing
14 at the gym?

12:03 15 A. Free weights and cardio equipment.

16 Q. Anything besides that?

17 A. No.

18 Q. Have you ever done any boxing?

19 MS. PIFARI: Objection. I'm going to
12:04 20 instruct my client not to answer and to assert his
21 rights and privileges to remain silent.

22 THE REPORTER: "To" what, I'm sorry?

23 MS. PIFARI: Remain silent.

24 Instructing you not to answer.

12:04 25 MR. KATON: Q. Are you going to follow

SCOTT NEU

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12:04 1 your attorney's instruction and decline to answer?

2 A. Yes.

3 Q. Have you ever done any martial arts
4 training?

12:04 5 MS. PIFARI: Objection.

6 I'm going to instruct my client not to
7 answer for the aforementioned reasons.

8 MR. KATON: Q. Are you going to follow
9 your attorney's instruction and decline to answer?

12:04 10 A. Yes.

11 Q. Did you meet with anyone to prepare for
12 this deposition, other than your attorneys?

13 A. No.

14 Q. Have you discussed the incidents with
12:05 15 Mr. Hymes on July 24th, 2014, with anyone besides
16 your attorneys?

17 A. No.

18 MS. ROSENBLIT: Belated objection. Vague
19 as to time.

11:49 20 MR. KATON: Q. That question was meant to
21 be at any time.

22 A. No.

23 Q. You didn't discuss the incidents with
24 Mr. Hymes with Deputy Bliss?

12:05 25 A. Only when we got notice from the city

SCOTT NEU

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12:12 1 A. I don't remember.

2 Q. Do you know if any other deputies prepared
3 a Request for Discipline for Mr. Hymes relating to
4 the incidents of that date?

12:12 5 A. Only the fact of that Sergeant Bliss wanted
6 us to all write, you know, terrorist threat
7 statements and charge the inmate; that's a formal
8 discipline. Other than that, no.

9 MR. KATON: Can we take just, like, a
12:13 10 five-minute break.

11 THE VIDEOGRAPHER: Going off the record.

12 The time is 12:13 p.m.

13 This is the end of Disk No. 1.

14 (Recess taken.)

12:21 15 THE VIDEOGRAPHER: We are back on the
16 record.

17 This marks the beginning of Disk No. 2 in
18 the deposition of Scott Neu. The time is 12:21 p.m.

19 MR. KATON: Q. Are you okay to continue,
12:21 20 Mr. Neu?

21 A. Yes.

22 Q. Are you currently employed?

23 A. No.

24 Q. And what was your last place of employment?

12:21 25 MS. PIFARI: It's a belated objection for

SCOTT NEU

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12:21 1 the -- my aforementioned reasons, I'm going to
2 instruct my client not to answer.

3 MR. KATON: Is that instruction for the
4 question of where were you last employed?

12:21 5 MS. PIFARI: It's actually a belated
6 objection for asking if he's still employed. I'm
7 going to try to stay out of all that.

8 MR. KATON: Okay. How about the question
9 of can you tell me where you were last employed?

12:22 10 MS. PIFARI: I mean, the second one answers
11 the first, right?

12 MR. KATON: That's your call, not mine.

13 MS. PIFARI: Yeah, I'm going to -- I'm
14 going to object and instruct him not to answer.

12:22 15 MR. KATON: Q. So are you going to follow
16 your attorney's instruction and not answer the
17 question about where was your last place of
18 employment?

19 A. Yes.

12:22 20 Q. For how long were you employed at the San
21 Francisco Sheriff's Department?

22 MS. PIFARI: I'm going to object and
23 instruct him not to answer.

24 MR. KATON: Q. Are you going to decline to
12:22 25 answer based on that instruction?

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12:22 1 A. Yes.

2 Q. Did you testify in court in a preliminary
3 hearing relating to the events of July 24th, 2014?

4 A. Yes.

12:23 5 Q. And I'll represent to you that the
6 transcript indicates that that hearing took place on
7 June 3rd, 2015.

8 Does that sound about right?

9 A. Yes.

12:23 10 Q. And you took an oath to give truthful
11 testimony at that hearing, correct?

12 A. Correct.

13 Q. And you understood that the Court would be
14 relying in part on your testimony in making
12:23 15 important decisions about the charges against
16 Mr. Hymes?

17 MS. ROSENBLIT: Objection. Calls for
18 speculation. Vague.

19 THE WITNESS: Yes.

12:23 20 MR. KATON: Q. And did you in fact give
21 truthful and accurate testimony on July 3rd, 2015,
22 at the preliminary hearing?

23 MS. ROSENBLIT: Counsel, I think you mean
24 June 3rd?

12:24 25 MR. KATON: Yes, I apologize.

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12:24 1 Let me withdraw that.

2 Q. Did you in fact give truthful and accurate
3 testimony at the preliminary hearing on June 3rd,
4 2015?

12:24 5 A. Yes.

6 Q. Have you ever been disciplined for use of
7 force by the San Francisco Sheriff's office?

8 MS. PIFARI: Objection. Per my
9 aforementioned reasons, I'm instructing my client
12:24 10 not to answer.

11 MS. ROSENBLIT: I'm also objecting that the
12 question calls for information protected by the
13 deponent's right to privacy and official information
14 privilege.

12:24 15 MR. KATON: Q. Are you going to decline to
16 answer based on your attorney's instructions?

17 A. Yes.

18 Q. And have you been investigated for the use
19 of force by the San Francisco Sheriff's Department?

12:25 20 MS. PIFARI: Objection. For the
21 aforementioned reasons, instructing my client not to
22 answer.

23 MS. ROSENBLIT: Same objections.

24 MR. KATON: Q. And you're going to decline
12:25 25 to answer?

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12:25 1 A. Yes.

2 Q. And have you been disciplined for any sort

3 of treatment of prisoners by the San Francisco

4 Sheriff's Department?

12:25 5 MS. PIFARI: Objection. For the

6 aforementioned reasons, I'm instructing my client

7 not to answer.

8 MS. ROSENBLIT: Same objections. Calls for

9 information protected by the deponent's right to

12:25 10 privacy, official information privilege, and it's

11 vague.

12 MR. KATON: Q. Are you going to decline to

13 answer?

14 A. Yes.

12:25 15 Q. Have you ever been disciplined by the San

16 Francisco Sheriff's Department for conduct relating

17 to SORT operations?

18 MS. PIFARI: Objection. For the

19 aforementioned reasons, I'm instructing my client

12:25 20 not to answer.

21 MS. ROSENBLIT: Same objections.

22 MR. KATON: Q. You're going to decline to

23 answer?

24 A. Yes.

12:26 25 Q. Have you ever been disciplined for problems

SCOTT NEU

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12:26 1 in incidents -- I'm sorry, incident reports that
2 you've prepared as a San Francisco Sheriff's deputy?
3 MS. PIFARI: Objection. For the
4 aforementioned reasons, I'm instructing my client
12:26 5 not to answer.

6 MS. ROSENBLIT: Same objections.
7 And for the record, when I say "same
8 objections," I mean the same objections I made to
9 the previous questions.

12:26 10 MR. KATON: Q. Are you going to decline to
11 answer?

12 A. Yes.

13 Q. And were you involved in a lawsuit where it
14 was alleged that you sexually assaulted a
12:26 15 transgender prisoner?

16 MS. PIFARI: Objection. For my
17 aforementioned reasons, I'm instructing my client
18 not to answer.

19 MS. ROSENBLIT: Same objections.

12:26 20 MR. KATON: Q. Are you going to decline to
21 answer?

22 A. Yes.

23 Q. Have you ever been sued by a prisoner
24 before for excessive use of force other than in this
12:27 25 case?

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12:27 1 MS. PIFARI: Objection. For my
2 aforementioned reasons, I am instructing my client
3 not to answer.

4 MS. ROSENBLIT: Same objections. Official
12:27 5 information, privacy, and vague.

6 MR. KATON: Q. Are you going to decline to
7 answer?

8 A. Yes.

9 Q. Do you recall a prisoner named Ricardo
12:27 10 Palakiko-Garcia?

11 MS. PIFARI: Objection. For the
12 aforementioned reasons, I'm instructing my client
13 not to answer.

14 MR. KATON: Q. Are you going to decline to
12:28 15 answer?

16 A. Yes.

17 Q. Did you use any force against a prisoner
18 named Ricardo Palakiko-Garcia?

19 MS. PIFARI: Objection. For the
12:28 20 aforementioned reasons, I'm instructing my client
21 not to answer.

22 MS. ROSENBLIT: Objection. Calls for
23 official information and information protected by
24 the deponent's right to privacy. Vague.

12:28 25 MR. KATON: Q. Did you ever direct anyone

SCOTT NEU

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12:28 1 else to use force against a prisoner named Ricardo
2 Palakiko-Garcia?

3 MS. PIFARI: Objection. For the
4 aforementioned reasons, I'm instructing my client
12:28 5 not to answer.

6 MS. ROSENBLIT: Same objections.

7 MR. KATON: Q. Do you decline to answer?

8 A. Yes.

9 Q. Did you make threats against a prisoner
12:28 10 named Ricardo Palakiko-Garcia?

11 MS. PIFARI: Objection. For the
12 aforementioned reasons, I'm instructing my client
13 not to answer.

14 MS. ROSENBLIT: Same objections.

12:29 15 MR. KATON: Q. Are you declining to
16 answer?

17 A. Yes.

18 Q. Did you ever withhold food or clothing from
19 a prisoner named Palakiko-Garcia?

12:29 20 MS. PIFARI: Objection. For the
21 aforementioned reasons, I'm instructing my client
22 not to answer.

23 MS. ROSENBLIT: Same objection.

24 MR. KATON: Q. Do you decline to answer?

12:29 25 A. Yes.

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12:29 1 Q. Did you ever force Mr. Palakiko-Garcia to
2 engage in a physical fight?

3 MS. PIFARI: Objection. For the
4 aforementioned reasons, I'm instructing my client
12:29 5 not to answer.

6 MS. ROSENBLIT: Same objections.

7 MR. KATON: Q. Do you decline to answer?

8 A. Yes.

9 Q. Do you recall a prisoner named Stanley
12:29 10 Harris?

11 MS. PIFARI: Objection. For the
12 aforementioned reasons, I'm instructing my client
13 not to answer.

14 MR. KATON: Q. Do you recall ever using
12:30 15 force against a prisoner named Stanley Harris?

16 MS. PIFARI: Objection. For the
17 aforementioned reasons, I'm instructing my client
18 not to answer.

19 MS. ROSENBLIT: Same objections.

12:30 20 MR. KATON: Q. Are you going to decline to
21 answer?

22 A. Yes.

23 Q. Did you ever command someone named Stanley
24 Harris, a prisoner at San Francisco Jail, to do
12:30 25 push-ups or dips against his will?

SCOTT NEU

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12:30 1 MS. PIFARI: Objection. For the
2 aforementioned reasons, I'm instructing my client
3 not to answer.

4 MS. ROSENBLIT: Same objections.

12:30 5 MR. KATON: Q. Do you decline to answer?

6 A. Yes.

7 Q. Did you ever make threats against a
8 prisoner named Stanley Harris?

9 MS. PIFARI: Objection. For the
12:30 10 aforementioned reasons, I'm instructing my client
11 not to answer.

12 MS. ROSENBLIT: Same objections.

13 MR. KATON: Q. Do you decline to answer?

14 A. Yes.

12:30 15 Q. Did you ever withhold food or clothing from
16 a prisoner named Stanley Harris?

17 MS. PIFARI: Objection. For the
18 aforementioned reasons, I'm instructing my client
19 not to answer.

12:31 20 MS. ROSENBLIT: Same objections.

21 MR. KATON: Q. Do you decline to answer?

22 A. Yes.

23 Q. Did you ever force a prisoner named Stanley
24 Harris to engage in a physical fight?

12:31 25 MS. PIFARI: Objection. For the

SCOTT NEU

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12:31 1 aforementioned reasons, I'm instructing my client
2 not to answer.

3 MS. ROSENBLIT: Same objections.

4 MR. KATON: Q. Did you ever observe other
12:31 5 deputies using force against a prisoner named
6 Ricardo Palakiko-Garcia?

7 MS. PIFARI: Objection. For the

8 aforementioned reasons, I'm instructing my client
9 not to answer.

12:31 10 MS. ROSENBLIT: Same objections.

11 MR. KATON: Q. Do you decline to answer?

12 A. Yes.

13 Q. Did you ever observe other deputies using
14 force against a prisoner named Stanley Harris?

12:31 15 MS. PIFARI: Objection. For the

16 aforementioned reasons, I'm instructing my client
17 not to answer.

18 MS. ROSENBLIT: Same objections.

19 MR. KATON: Q. Do you decline to answer?

12:31 20 A. Yes.

21 Q. Did you ever withhold food, clothing or
22 bedding from a prisoner named Nicholas Tiller?

23 MS. PIFARI: Objection. For the

24 aforementioned reasons, I'm instructing my client
25 not to answer.

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12:32 1 MS. ROSENBLIT: Same objections.

2 MR. KATON: Q. Do you decline to answer?

3 A. Yes.

4 Q. Do you recall being sued by a prisoner

12:32 5 named Wigfall?

6 MS. PIFARI: Objection. For the

7 aforementioned reasons, I'm instructing my client

8 not to answer.

9 MR. KATON: Q. Do you decline to answer?

12:32 10 A. Yes.

11 Q. Do you ever recall using force against a

12 prisoner named Wigfall?

13 MS. PIFARI: Objection. For the

14 aforementioned reasons, I'm instructing my client

12:32 15 not to answer.

16 MS. ROSENBLIT: Same objections.

17 MR. KATON: Q. Do you recall being sued by

18 a prisoner named Spears?

19 MS. PIFARI: Objection. For the

12:32 20 aforementioned reasons, I'm instructing my client

21 not to answer.

22 MR. KATON: Q. Do you decline to answer?

23 A. Yes.

24 Q. Do you recall using force against a

12:33 25 prisoner named Spears?

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12:33 1 MS. PIFARI: Objection. For the
2 aforementioned reasons, I'm instructing my client
3 not to answer.

4 MS. ROSENBLIT: Same objections.

12:33 5 MR. KATON: Q. Do you decline to answer?

6 A. Yes.

7 Q. Do you recall being sued by a prisoner
8 named @Collier?

9 MS. PIFARI: Objection. For the
12:33 10 aforementioned reasons, instructing my client not to
11 answer.

12 MR. KATON: Q. Do you decline to answer?

13 A. Yes.

14 Q. Do you recall using force against a
12:33 15 prisoner named Collier?

16 MS. PIFARI: Objection. For the
17 aforementioned reasons, instructing my client not to
18 answer.

19 MS. ROSENBLIT: Same objections.

12:33 20 MR. KATON: Q. Do you decline to answer?

21 A. Yes.

22 Q. Do you recall being sued by a prisoner
23 named Lester?

24 MS. PIFARI: Objection. For the
12:33 25 aforementioned reasons, instructing my client not to

SCOTT NEU

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12:33 1 answer.

2 MR. KATON: Q. Do you decline to answer?

3 A. Yes.

4 Q. Do you recall using force against a
12:34 5 prisoner named Lester?

6 MS. PIFARI: Objection. For the
7 aforementioned reasons, instructing my client not to
8 answer.

9 MS. ROSENBLIT: Same objections.

12:34 10 MR. KATON: Q. Do you decline to answer?

11 A. Yes.

12 Q. Do you recall being sued by a prisoner
13 named Jacobo, J-A-C-O-B-O, along with Deputies Jones
14 and Gray?

12:34 15 MS. PIFARI: Objection. Based on the
16 aforementioned reasons, I'm instructing my client
17 not to answer.

18 MR. KATON: Q. Do you decline to answer?

19 A. Yes.

12:34 20 Q. And do you recall using force against a
21 prisoner named Jacobo?

22 MS. PIFARI: Objection. For the
23 aforementioned reasons, I'm instructing my client
24 not to answer.

12:34 25 MS. ROSENBLIT: Same objections.

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12:34 1 MR. KATON: Q. Do you recall being sued by
2 a prisoner named Moody, along with Deputies Bliss
3 and Tilton?

4 MS. PIFARI: Objection. For the
12:35 5 aforementioned reasons, I'm instructing my client
6 not to answer.

7 MR. KATON: Q. Do you decline to answer?

8 A. Yes.

9 Q. Do you recall using force against a
12:35 10 prisoner named Moody?

11 MS. PIFARI: Objection. For the
12 aforementioned reasons, I'm instructing my client
13 not to answer.

14 MS. ROSENBLIT: Same objections.

12:35 15 MR. KATON: Q. Do you decline to answer?

16 A. Yes.

17 Q. Do you recall being sued by a prisoner
18 named Cavness, C-A-V-N-E-S-S?

19 MS. PIFARI: Objection. For the
12:35 20 aforementioned reasons, I'm instructing my client
21 not to answer.

22 MR. KATON: Q. Do you decline to answer?

23 A. Yes.

24 Q. Do you recall using force against a
12:35 25 prisoner named Cavness?

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12:35 1 MS. PIFARI: Objection. For the
2 aforementioned reasons, I'm instructing my client
3 not to answer.

4 MS. ROSENBLIT: Same objection.

12:35 5 MR. KATON: Q. Do you decline to answer?

6 A. Yes.

7 Q. Do you recall being sued by a prisoner
8 named Adams?

9 MS. PIFARI: Objection. For the
12:36 10 aforementioned reasons, I'm instructing my client
11 not to answer.

12 MR. KATON: Q. Do you decline to answer?

13 A. Yes.

14 Q. Did you use force against a prisoner named
12:36 15 Adams?

16 MS. PIFARI: Objection. For the
17 aforementioned reasons, I'm instructing my client
18 not to answer.

19 MS. ROSENBLIT: Same objections.

12:36 20 And for the record, they were the official
21 information privilege, the right to privacy,
22 statutory and constitutional, and vague.

23 MR. KATON: Q. Do you recall the City
24 settling a case on your behalf that was brought by a
12:36 25 prisoner named Palakiko-Garcia.

SCOTT NEU

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12:36 1 MS. PIFARI: Objection. For the
2 aforementioned reasons, instructing my client not to
3 answer.

4 MS. ROSENBLIT: Same objections. As well
12:36 5 as an objection that it calls for confidential
6 settlement negotiations.

7 MR. KATON: Q. Do you decline to answer?

8 A. Yes.

9 Q. Do you recall being sued by a prisoner
12:37 10 named Colvin, C-O-L-V-I-N, along with Deputies Jones
11 and Myres?

12 MS. PIFARI: Objection. For the
13 aforementioned reasons, I'm instructing my client
14 not to answer.

12:37 15 MR. KATON: Q. Do you decline to answer?

16 A. Yes.

17 Q. Do you recall using force against a
18 prisoner named Colvin?

19 MS. PIFARI: Objection. For the
12:37 20 aforementioned reasons, I'm instructing my client
21 not to answer.

22 MS. ROSENBLIT: Same objection.

23 MR. KATON: Q. Do you decline to answer?

24 A. Yes.

12:37 25 Q. And do you recall being sued by a prisoner

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12:37 1 named Payne, P-A-Y-N-E, in 2011?
2 MS. PIFARI: Objection. For the
3 aforementioned reasons, instructing my client not to
4 answer.

12:38 5 MR. KATON: Q. Do you decline to answer?

6 A. Yes.

7 Q. Do you recall using force against a
8 prisoner named Payne?

9 MS. PIFARI: Objection. For the
12:38 10 aforementioned reasons, instructing my client not to
11 answer.

12 MS. ROSENBLIT: Same objections.

13 MR. KATON: Q. Do you decline to answer?
14 A. Yes.

12:38 15 Q. Do you recall being sued by a prisoner
16 named Dangerfield, along with Deputies Minor and
17 Browne?

18 MS. PIFARI: Objection. For the
19 aforementioned reasons, instructing my client not to
12:38 20 answer.

21 MR. KATON: Q. Do you decline to answer?

22 A. Yes.

23 Q. Do you recall using force against a
24 prisoner named Dangerfield?

12:38 25 MS. PIFARI: Objection. For the

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12:38 1 aforementioned reasons, instructing my client not to
2 answer.

3 MS. ROSENBLIT: Same objections.

4 MR. KATON: Q. Do you decline to answer?

12:38 5 A. Yes.

6 Q. Do you recall being sued by a prisoner
7 named Browne, B-R-O-W-N-E?

8 MS. PIFARI: Objection. For the
9 aforementioned reasons, instructing my client not to
12:39 10 answer.

11 MR. KATON: Q. Do you decline to answer?

12 A. Yes.

13 Q. Do you recall using force against a
14 prisoner named Browne?

12:39 15 MS. PIFARI: Objection. For the
16 aforementioned reasons, instructing my client not to
17 answer.

18 MS. ROSENBLIT: Same objections.

19 MR. KATON: I may be finished, but can we
12:39 20 take a quick break so I can review my notes?

21 THE VIDEOGRAPHER: Going off the record.

22 The time is 12:39 p.m.

23 (Recess taken.)

24 THE VIDEOGRAPHER: We are back on the
12:48 25 record at 12:48 p.m.

REPORTER CERTIFICATE

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify: That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my
20 name.

21 | Dated: August 13, 2018

SANDRA L. CARRANZA
CSR No. 7062

Exhibit D

Placeholder for Media File

Exhibit E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

---oo---

SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

Case No. 3:16-cv-04288-JSC

MILTON BLISS; VICTOR M.
SANCHEZ, JOSEPH A. LEONARDINI;
SCOTT NEU; EUGENE A. JONES;
PAUL TIMPANO; PIERRE A. GRAY,

Defendants.

/

THE VIDEOTAPED DEPOSITION OF OFFICER PIERRE A. GRAY

Thursday, August 16, 2018

Reported by: Patricia Rosinski, CSR #4555

CLARK REPORTING & VIDEO CONFERENCING
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1 A P P E A R A N C E S

2

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19

20

21 And there also being present:

22 Steve Zavattero, Legal Videographer

23

24 ---oo---

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	I N D E X	
2	EXAMINATION BY	PAGE
3	MS. HENRY	8
4	MS. ROSENBLIT	138
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10	EXHIBITS	
11	DEPOSITION OF OFFICER PIERRE A. GRAY	
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15	EXHIBIT 1 Handwritten diagram - 1 pg.	61
16	EXHIBIT 2 Incident Report Statement	93
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1

I N D E X

2

	QUESTIONS INSTRUCTED NOT TO ANSWER	PAGE	LINE
4	How many times have you been under investigation for the use of force?	131	11
5	How many times have you been disciplined	131	23
6	for the use of force?		
7	How many times have you been disciplined for other treatment of prisoners?	132	5
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9	for conduct during a S.O.R.T.?		
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11	How many times have you been disciplined	133	1
12	for problems in incident statements?		

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1 I N D E X
2

3 HIGHLY CONFIDENTIAL SECTIONS:

4
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6 Page 39
7 Pages 133-138

8
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1 BE IT REMEMBERED that, pursuant to Notice of Taking
2 Deposition, and on Thursday, August 16, 2018, commencing at
3 the hour of 10:06 a.m., thereof, at Clark Reporting & Video
4 Conferencing, 2140 Shattuck Avenue, Suite 501, Berkeley,
5 California, before me, PATRICIA ROSINSKI, CSR No. 4555, a
6 Certified Shorthand Reporter in and for the State of
7 California, there personally appeared

8

9 OFFICER PIERRE A. GRAY,

10

11 produced as a witness in the above-entitled action, who,
12 being by me first duly sworn, was thereupon examined as a
13 witness in said action.

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1 A. I didn't see inside of the cell.

2 Q. Did you see any blood on Mr. Hymes?

3 A. Yes.

4 Q. When did you see blood on Mr. Hymes?

11:48AM 5 A. When he first stood up and turned around.

6 Q. Where was he?

7 A. Right at -- when I first saw him, I didn't
8 see the blood. I didn't see the blood until he got
9 right out of F Tank into the mainline area.

11:48AM 10 Q. Where was the blood?

11 A. On his face.

12 Q. Anywhere else?

13 A. I didn't see anywhere else. I just saw --
14 I just remember on his face.

11:49AM 15 Q. And did you look at his clothing at that
16 time?

17 A. No.

18 Q. Did you look at the ground at that time?

19 A. No.

11:49AM 20 Q. So you wouldn't have seen blood in that
21 area --

22 A. No.

23 Q. -- if there was any.

24 So before Mr. Hymes left the cell, did you
11:49AM 25 see anyone kick him?

11:49AM

1 A. No one kicked him.

2 Q. Did you see anyone punch him?

3 A. No one.

4 Q. Did you see anyone strike him?

5 A. No.

6 Q. Did you see anyone use any other force
7 before he left the cell?

8 MS. ROSENBLIT: Objection. Vague as to
9 "force."

11:49AM

10 THE WITNESS: Can you rephrase it, please.

11 MS. HENRY: Q. Did you see anyone use any
12 physical force on Mr. Hymes before he left the cell?

13 MS. ROSENBLIT: Same objection. Asked and
14 answered.

11:50AM

15 THE WITNESS: No.

16 MS. HENRY: Q. And were any other orders
17 given, other than the ones you've already described,
18 before Mr. Hymes left the cell?

19 A. Not that I remember.

11:50AM

20 Q. Did Mr. Hymes resist in any other way other
21 than what you've already described and --

22 MS. ROSENBLIT: Object -- sorry. I didn't
23 mean to cut you off.

24 MS. HENRY: I've been doing it, too.

11:51AM

25 Q. -- before he exited the cell?

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA)
3 COUNTY OF MARIN) ss.

4 I, PATRICIA ROSINSKI, hereby certify:

5 That I am a Certified Shorthand Reporter in
6 the State of California. That prior to being
7 examined, OFFICER PIERRE A. GRAY, the witness named
8 in the foregoing deposition, was by me duly sworn to
9 testify the truth, the whole truth, and nothing but
10 the truth; That said deposition was taken pursuant
11 to Notice of Deposition and agreement between the
12 parties at the time and place therein set forth and
13 was taken down by me in stenotype and thereafter
14 transcribed by me by computer and that the
15 deposition is a true record of the testimony given
16 by the witness.

17 I further certify that I am neither counsel
18 for either, nor related in any way to any party to
19 said action, nor otherwise interested in the result
20 or outcome thereof.

21 Pursuant to Federal Rules of Civil Procedure,
22 Rule 30(e), review of the transcript was not requested
23 before the completion of the deposition.

24 _____
25 PATRICIA ROSINSKI, CSR No. 4555

19th day of August, 2018

Exhibit F

In The Matter Of:

*HYMES VS.
BLISS*

PAUL TIMPANO

August 10, 2018

CLARK REPORTING & VIDEO CONFERENCING

2140 SHATTUCK AVE. STE. 405

BERKELEY, CA 94704

510.486.0700

Original File TIMPANO.txt

Min-U-Script® with Word Index

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ---oo---

5 SCANVINSKI JEROME HYMES,

6 Plaintiff,

7 vs. Case No. 3:16-cv-04288-JSC

8 MILTON BLISS, VICTOR M. SANCHEZ,
9 JOSEPH A. LEONARDINI, SCOTT NEU,
EUGENE A. JONES, PAUL TIMPANO,
PIERRE A. GRAY,

10 Defendants.

11 _____/

15 VIDEOTAPED DEPOSITION OF PAUL TIMPANO

16 Friday, August 10, 2018

18 CLARK REPORTING & VIDEO CONFERENCING

19 2140 SHATTUCK AVE. STE. 407

20 BERKELEY, CA 94704

21 510.486.0700

24 REPORTED BY:

25 SANDRA L. CARRANZA, CRR, RPR, CSR 7062

1 **I N D E X**

2

3 **DEPOSITION OF PAUL TIMPANO**

4

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16 **-----oo-----**

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1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFF:

4 KATON LAW
5 BY: GLENN KATON, ATTORNEY AT LAW
6 385 Grand Avenue, Suite 200
7 Oakland, California 94610
8 (510) 463-3350
9 gkaton@katon.law

10

11 CAITLIN KELLY HENRY, ATTORNEY AT LAW
12 1201 MLK Way, SUite 200
13 Oakland, California 94612
14 (510) 277-2025
15 ckh@cailinkellyhenry.com

16

17 FOR THE DEFENDANTS:

18 OFFICE OF THE CITY ATTORNEY
19 BY: RENEE E. ROSENBLIT and
20 BRIGGS MATHESON, ATTORNEYS AT LAW
21 1390 Market Street, Sixth Floor
22 San Francisco, California 94102
23 (415) 554-3853
24 renee.rosenblit@sfcityatty.org
25 briggs.matheson@sfcityatty.org

17 ALSO PRESENT: STEVE ZAVATTERO, VIDEOGRAPHER
18 SCANVINSKI JEROME HYMES

19 (Also Present: Misc. sheriff
20 officers guarding Mr. Hymes)

21 TAKEN AT: SAN FRANCISCO COUNTY JAIL No. 4
22 850 Bryant Street, 7th Floor
23 San Francisco, California 94103

24 -----oOo-----
25

1 BE IT REMEMBERED that, pursuant to Notice
2 of Taking Deposition and on Friday, August 10, 2018,
3 commencing at the hour of 10:06 A.M., before me,
4 SANDRA L. CARRANZA, CSR No. 7062, RPR, CRR, there
5 personally appeared

6

7 PAUL TIMPANO,

8

9 called as a witness by the Plaintiff, who, having
10 been first duly sworn, was examined and testified as
11 hereinafter set forth.

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PAUL TIMPANO

32

1 Q. And were there times, from the time that
2 you got to his cell until he was removed, that you
3 were blocked from seeing him, or did you have eyes
4 on him the whole time?

5 A. He was probably blocked as well. Once
6 again, best recollection, just because of the amount
7 of people in the SORT team and just, you know, the
8 general motion, you know.

9 Q. And you didn't see anyone punch Mr. Hymes
10 in the cell?

11 A. No.

12 Q. You didn't see anyone kick Mr. Hymes in the
13 cell?

14 A. No.

15 Q. You didn't see anyone strike Mr. Hymes in
16 the cell in any way?

17 A. No.

18 Q. So what happened after Mr. Hymes was
19 removed from the cell?

20 A. I'm not sure where he was taken to next.

21 Q. What did you do next?

22 A. I don't remember.

23 Q. Do you remember if you were involved any
24 longer with Mr. Hymes? Did you go back to other
25 duties?

REPORTER CERTIFICATE

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify: That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my
20 name.

21 | Dated: August 16, 2018

SANDRA L. CARRANZA
CSR No. 7062

Exhibit G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

CASE NO. CV164288

MILTON BLISS, et al.,

Defendants.

-----/

DEPOSITION OF
SCANVINSKI JEROME HYMES
May 14, 2018

Reported by: HANNAH KAUFMAN & ASSOCIATES, INC.
JESSICA AYRES Certified Shorthand Reporters
CSR# 14180 150 Executive Park Blvd., Suite 4600
San Francisco, California 94134-3333
(415) 337-2077

Hannah Kaufman & Associates, Inc.

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Hannah Kaufman & Associates, Inc.

1 BE IT REMEMBERED that, pursuant to Notice of
2 Taking Deposition, and on Monday, the 14th day of
3 May, 2018, commencing at the hour of 10:09 a.m. thereof,
4 at the offices of SAN FRANCISCO COUNTY JAIL, 850 Bryant
5 Street, 7th Floor, San Francisco, California, before me
6 JESSICA AYRES, a Certified Shorthand Reporter in the
7 State of California, personally appeared,

8 SCANVINSKI JEROME HYMES,
9 called as a witness herein; and the said witness, being
10 by me first duly sworn, was thereupon examined and
11 testified as is hereinafter set forth.

12 - - -

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Hannah Kaufman & Associates, Inc.

1 APPEARANCES:

2

3 FOR THE PLAINTIFF:

4 Law Offices of KATON.LAW

5 385 GRAND AVENUE, SUITE 200

6 OAKLAND, CALIFORNIA 94610

7 By GLENN KATON, Attorney at Law

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10

11 FOR THE DEFENDANTS:

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13 OFFICE

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15 SAN FRANCISCO, CALIFORNIA 94102-5408

16 By RENEE E. ROSENBLIT & BRIGGS MATHESON,

17 Deputy City Attorneys

18 415-554-3800

19 renee.rosenblit@sfcityatty.org

20 briggs.matheson@sfcityatty.org

21

22 ALSO PRESENT:

23 DEPUTY J. FRIETZSCHE

24 DEPUTY S. LOPEZ

25 DEPUTY K. MARES

Hannah Kaufman & Associates, Inc.

1 A Yes.

2 Q Again, on that same level of 1 to 10 pain
3 scale, how painful was the kick?

4 A I would say 9.

5 Q 9 out of 10?

6 A Yeah.

7 Q In the processing room, you described punches
8 to your ribs; right?

9 A Yes.

10 Q Same pain scale. Where would you place the
11 pain from the punches?

12 A 5 to 6.

13 Q 5 to 6 out of 10?

14 A Yes.

15 Q What about the kicks you described to the ribs?

16 A About a 7.

17 Q Did I miss anything?

18 A In regards?

19 Q Was there any other force that we didn't
20 describe?

21 A No.

22 Q When you were in your cell, do you know who was
23 punching your face?

24 A No.

25 Q Do you know who kicked you in the face?

Hannah Kaufman & Associates, Inc.

1 (Whereupon, Deputy K. Mares enters the room.)

2 THE WITNESS: No.

3 BY MS. ROSENBLIT:

4 Q What about for your nose?

5 A No.

6 Q Have you been advised you need future medical
7 treatment for your jaw?

8 A No.

9 Q Have you ever broken your nose before?

10 A Not that I recall.

11 Q What about your jaw?

12 A No.

13 Q Have you been in fights before?

14 A Yes.

15 Q How many fights?

16 A I don't know. From kid? Adult? Total life?

17 Q Let's say since you were 18, how many physical
18 fights have you been in?

19 A I can't -- I don't know, maybe 20. I don't --
20 I can't -- estimate 20.

21 Q Did you report this incident?

22 A I submitted an inmate grievance.

23 Q When did you submit a grievance?

24 A The following day.

25 Q What happened with your grievance?

Hannah Kaufman & Associates, Inc.

1 I do hereby certify that the witness in the
2 foregoing deposition was by me duly sworn to testify the
3 truth, the whole truth, and nothing but the truth in the
4 within-entitled cause; that said deposition was taken at
5 the time and place therein stated; that the testimony of
6 the said witness was reported by me, a Certified
7 Shorthand Reporter and a disinterested person, and was
8 under my supervision thereafter transcribed into
9 typewriting; that thereafter, the witness was given an
10 opportunity to read and correct the deposition
11 transcript, and to subscribe the same; that if unsigned
12 by the witness, the signature has been waived in
13 accordance with stipulation between counsel for the
14 respective parties.

15 And I further certify that I am not of counsel or
16 attorney for either or any of the parties to said
17 deposition, nor in any way interested in the outcome of
18 the cause named in said caption.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 the 23rd day of May, 2018.

y, 2018.

JESSICA AYRES

JESSICA AYRES

CSR No. 14180



Exhibit H

**REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED**

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED



**OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO**

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**Ross Mirkarimi
SHERIFF**

July 23, 2015
Reference: 2015-124

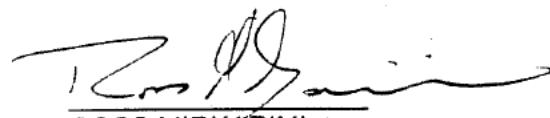
Mr. Scott Neu

Dear Mr. Neu,

I have conducted a pre-termination hearing on charges for your dismissal. This hearing, held before me on June 24, 2015, allowed me to receive information in your case from your attorney, Harry Stern. In that hearing you chose not to make a statement. In your defense Mr. Stern indicated you had been frank and forthright in your statement to IA. He also provided information about your time in the department and your performance as a deputy.

I have carefully reviewed the investigation materials that resulted in the charges contained in my legal counsel's letter of April 28, 2015. I have also considered the information your counsel provided in the hearing. [REDACTED]

Sincerely,



ROSS MIRKARIMI
Sheriff

cc: Undersheriff Rocha, Chief Freeman, Lieutenant Flewellen, Sergeant Durkan,
Harry Stern, Rains Lucia Stern

PHONE: 415-554-7225 FAX: 415-554-7050
WEBSITE: WWW.SFSHERIFFE.COM EMAIL: SHERIFF@SFGOV.ORG

Highly Confidential – Attorney's Eyes Only

CCSF_HYMES_004621

Exhibit I

CUSTODY DIVISION  POLICY AND PROCEDURE	Date Issued: 11/2003 Policy #: CODM 4.17 Last Revised: 04/01/2014
Related Policies: SFSD 02-10 Use of Video Camera SFSD 02-03 Use of Force SFSD 02-20 Incident Reports CDM 4.21 Restraint Chair CDM 04.11 Evidence Processing	
Approved By: Chief Deputy Matthew Freeman	
Chapter: 04 Security and Control	Title: S.O.R.T – Cell Extraction

POLICY: It is the policy of the San Francisco Sheriff's Department (SFSD) Custody Operations Division (COD) to use the least amount of force necessary when there is no other alternative but to forcibly remove a prisoner from a cell and move him / her to another location.

PURPOSE: To provide direction to deputies and supervisors in all phases of a cell extraction and in the execution of the Special Operations Response Team (S.O.R.T.) team during the movement of a hostile, disruptive or combative inmate.

DEFINITIONS:

Area of Operation - encompasses all areas which relate to the movement of a prisoner from the cell / area to be extracted from to the desired destination and including the route between the two

Assembly Area - located away from the Area of Operation; area where team members receive instructions, information and equip themselves with the necessary equipment.

Destination - the point at which the cell extraction has ended. The destination may be another cell / area in the same facility, another SFSD facility, an SFSD vehicle, a restraint chair, etc.

Protective Equipment Ensemble – The protective equipment ensemble is assigned to team members to provide protection from blunt force trauma during cell extractions. Ensemble includes riot helmet, and protection for the upper torso including shoulders, thighs, groin, shins, elbows, forearms and hands.

Scene Commander - is the Supervisor in command at a cell extraction or other incident. The Scene Commander is usually the highest ranking Operational Supervisor and / or the Watch Commander.

S.O.R.T. Team Leader – S.O.R.T. Team Member #5. Appointed by the Scene Commander. Usually remains outside the cell and controls the operation.

I. GENERAL

- A. Deputies who must forcibly remove a prisoner from a cell or other area will comply with SFSD Policy & Procedure 02 - 03 "Use of Force".
- B. Until a supervisor has arrived, a cell door shall not be opened when a prisoner inside is credibly threatening to resist or actively resisting orders to move to another cell or area.

S.O.R.T. – Cell Extraction

1. Exception: In a life threatening emergency immediate action should be taken.
- C. When possible, employees shall utilize verbal techniques to encourage voluntary compliance from the prisoner.
 1. Employees shall attempt to identify the reason(s) why the prisoner is refusing to move.
- D. There shall never be a “point of no return” from which the prisoner is no longer given an opportunity to comply with orders.

II. PROCEDURES

- A. PRELIMINARY PREPARATIONS - Upon determination that a prisoner shall possibly be removed forcibly from a cell, the Scene Commander shall:
 1. take action to isolate the situation and prevent escalation of the incident:
 - a. This may include:
 - i. removing all non-essential staff and prisoner workers;
 - ii. locking down any prisoners housed in the area and / or
 - iii. postponing or cancelling jail activity in the area.
 2. assign a deputy (may be the housing deputy) to monitor the activity of the resistant prisoner as well as any other prisoners in the area;
 - a. The deputy shall immediately alert the Scene Commander if a life threatening emergency arises requiring immediate action, and
 - b. attempt to persuade the prisoner to peacefully comply with orders given.
 3. develop an Emergency Plan to implement in the event of the situation deteriorating to where immediate action is required before the development of the primary plan;
 4. announce Code-33 on the radio to limit radio traffic;
 5. limit activities in other areas of the jail as necessary to free up staff to assist in the operation;
 - a. Request additional personnel from other facilities / sections / unit if necessary.
 6. select S.O.R.T. team members and designate assignments (See “S.O.R.T. Team Operations Reference” form); select support personnel and designate assignments and determine required equipment.
 - a. Team Members shall outfit and equip themselves and report to the Assembly Area.
 - i. Exception: Team Member #7 shall immediately begin video recording the prisoner’s words and actions.

B. PLANNING THE OPERATION –

1. As time permits, the Scene Commander shall develop a Primary Plan, an Alternate Plan (should circumstances change), a Contingency Plan (should something go wrong) and an Emergency Plan (should everything go wrong).
2. The plan shall be approved by the Watch Commander (if different than the Scene

S.O.R.T. – Cell Extraction

Commander).

3. The plans should include:
 - a. all available information about the prisoner:
 - i. Name
 - ii. Risks and alerts associated with him / her and his / her current behavior
 - iii. Information regarding the cause of the current behavior
 - b. the location from where the prisoner will be moved, the destination and the route to be taken;
 - c. the specific tasks and responsibilities assigned to each S.O.R.T. team member and
 - d. the specific tasks and responsibilities assigned to each support personnel.
4. The Scene Commander will:
 - a. present the plan to the S.O.R.T. and support personnel and conduct a brief back to answer questions;
 - b. inspect S.O.R.T. team members for serviceability of required equipment;
 - c. conduct a rehearsal (if time permits) and
 - d. line up the S.O.R.T. team in squad order and move the team to an area with quick access to the cell while still being out of sight of the prisoner.

C. EXECUTING THE OPERATION

1. The Scene Commander will give the prisoner a final opportunity to comply with orders given. If the prisoner agrees to comply,
 - a. he / she will be directed to lie prone face down with his / her head near the back wall, and place his / her hands behind his / her back, and
 - b. the team will enter the cells, secure and search the prisoner and move the prisoner to the intended destination.
2. The Scene Commander will:
 - a. advise the prisoner that he / she will be moved by force;
 - b. direct the S.O.R.T. Team to move into position and
 - c. scan the cell for possible weapons, obstacles or other hazards
3. The Team Leader will issue a final warning to the prisoner.
4. The S.O.R.T. will make entry into the prisoner's cell as outlined in the "S.O.R.T. Operations Reference – S.O.R.T. Detailed Tasks."
 - a. Tasks may be changed, combined, etc. as the specific circumstances of the incident require.

III. FORMS

- A. S.O.R.T. Operations Reference Guide

S.O.R.T. – Cell Extraction

B. S.O.R.T. Implementation Checklist

IV. REFERENCES

N/A

S.O.R.T. Operations Reference Guide

SORT Team Members Equipment

- Team Member #1** Outfitted with full protective equipment ensemble. Equipped with padded / plastic shield. No radio or handcuff key. No unnecessary items.
- Team Member #2** Outfitted with full protective equipment ensemble. No radio or handcuff key. No unnecessary items.
- Team Member #3** Outfitted with full protective equipment ensemble. No radio or handcuff key. No unnecessary items.
- Team Member #4** Outfitted with full protective equipment ensemble. No radio or handcuff key. No unnecessary items.
- Team Member #5
(Team Leader)** Outfitted with riot helmet and gloves. Equipped with radio, chemical agent, leg irons, handcuffs or flex cuffs, handcuff key. No unnecessary equipment.
- Team Member #6** Outfitted with protective equipment ensemble. Equipped with chemical agent, ARWEN and TASER (as necessary). (Must have current training and certification record on file for Less Than Lethal weapons.) No radio or handcuff key. No unnecessary items.
- Team Member #7** Outfitted with riot helmet and gloves. Equipped with department issued video camera.) No radio or handcuff key. No unnecessary items.

SORT Team Members Assignments / Responsibilities¹

- Team Member #1** Using a shield, will hold prisoner against wall, floor or bunk while Team Member #2 and Team Member #3 secure the prisoner's arms.

¹ These are the usual responsibilities for each S.O.R.T. Team member. The Scene Commander can add to, change or remove assignments as necessary based on the circumstances (ex. Cell size) to ensure a successful operation.

S.O.R.T. Operations Reference Guide

- Team Member #2** From the prisoner's right side, assist Team Member #1 with pinning prisoner against wall, floor or bunk. Control the arm that presents itself to him / her from the right side and retains control while placing prisoner on the floor.
- Team Member #3** From the prisoner's left side, assist Team Member #1 with pinning prisoner against wall, floor or bunk. Control the arm that presents itself to him / her from the left side and retains control while placing prisoner on the floor.
- Secures prisoner's wrists with restraints; searches prisoner's lower back area for contraband.
- Team Member #4** Enters the cell last and controls the prisoner's legs by placing into "Figure 4 Leg Lock". Will use restraints as necessary.
- Team Member #5** Team Leader. Remains outside and directs the operation. Communicates with the Scene Commander and any other personnel and coordinates activities through the Tactical Phase. Provides restraint equipment to Team Members #1-#3 as needed.
- Team Member #6** Less Lethal Weapons Operator. Stands by until needed.
- Team Member #7** Responsible for video recording cell extraction from beginning to end, finalizing video and properly documenting the medium used to capture the incident (DVD, video tape, flash drive, etc.) Will complete a supplemental incident report documenting steps he /she took to record the incident and ensure that chain of custody is established.

S.O.R.T. Operations Reference Guide

Support Personnel and Assignments

Support #1	Unlocks the cell door at the scene. Searches and secures the prisoner's property.
Support #2	Searches the destination cell. Ensures appropriate items (bedding, property if previously searched) are placed in the cell prior to the arrival of the prisoner. Controls the door at the destination.
Support #3	Clears planned route of travel of persons and obstacles

Tactical Phase - Detailed Tasks

Scene Commander	Ensure that all support personnel and equipment (i.e., restraint chair if used to transport or as a destination) are in place and have accomplished necessary assignments or are standing by.
Scene Commander or Team Leader	Give prisoner opportunity to comply with orders. If prisoner refuses to comply, advise prisoner that he / she will be moved by force. If at any time prior to the extraction the prisoner agrees to comply, <ul style="list-style-type: none">- the Team Leader will direct the prisoner to lie on the floor face down with his / her head toward the back wall and his / her hands behind his / her back- Team Members #1-#4 will enter the cell, secure the prisoner's legs and arms, search the prisoner and remove him / her from the cell If the prisoner refuses, instruct the S.O.R.T. team to move into position.

S.O.R.T. Operations Reference Guide

	Give the prisoner a final warning.
Team Leader	Visually scan the cell for possible weapons, obstacles or other hazards (urine, feces, wet floor, baby oil, etc.)
Team Leader or Team Member #7	Use a Less Than Lethal option to encourage prisoner compliance. (Note: More than one option may be necessary i.e., chemical agent fails so ARWEN is used)
Team Members 1-3:	<p>Enter cell on pre-arranged signal coordinated with deputy opening the cell door.</p> <p>Enter as a team and control the prisoner by pressing him / her against the wall, floor or bunk until the prisoner's hands and arms are secured.</p> <p>Place the prisoner in a prone position on the floor.</p> <p>Note: Sworn employees shall make every attempt to limit the amount of weight and pressure applied to the back of the prisoner while being restrained. The Team Leader will monitor the prisoner for any signs of distress and / or difficulty breathing until the cell extraction is complete.</p>
Team Member #1	Passes shield out of cell.
Team Member #4	Controls the prisoner's legs by placing the legs in a Figure 4 Leg Lock.
Team Member #1, #2, #3 and / or #4	<p>Search the prisoner thoroughly.</p> <p>Bring the prisoner to a standing position.</p> <p>Walk prisoner out of cell.</p> <p>Note: If a prisoner refuses to walk, he / she may be placed into a restraint chair. All applicable restraint chair policies and procedures apply.</p>
Support #1	Secures the cell. If any item in the cell can be used as evidence, he / she will photograph, collect and process the evidence per Custody Division

S.O.R.T. Operations Reference Guide

policy.

Once the evidence, if any, is removed, the prisoner's property will be searched and placed into a plastic bag with the prisoner's name marked on it.

Two Team Members (#1-#4)	Each team member takes an arm and the prisoner is walked backwards toward the destination.
Scene Commander, Team Leader and one Team Member	Walk ahead of prisoner to ensure clear path and readiness at destination
Team Member #7	Continue recording operation.
Team Member	Protects Team Member #7 from being spat upon or assaulted by the prisoner.
Escorting Team Members	<p>At the destination, place the prisoner in a prone position on the floor with his / her head facing the back wall.</p> <p>Control the prisoner's legs with a Figure 4 Leg Lock.</p> <p>Note: Again, it is important to monitor the prisoner's breathing at all times while he / she is restrained in a face down position.</p> <p>Note: Sworn employees shall make every effort to limit the amount of weight and pressure applied to a prisoner's back while the restraints are being removed.</p>
Team Member #5	Monitor the prisoner for any signs of distress or difficulty breathing until the restraints have been removed and the team has exited the cell.
Team Members #1 - #4	<i>If the prisoner is suspected of having weapons, remove the restraints and the prisoner's clothing to allow for a thorough strip search.</i>
Team Members #1 - #3	Exit the cell one at a time

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- Team Member #4** Exit the cell last.
- Support #3** Lock the cell door immediately upon exit of Team Member #4
- Team Member #5** Ask Jail Medical Services to evaluate the prisoner for injuries.

S.O.R.T. Operation Debriefing

- Team Member #5** Ask all persons involved if anyone was injured.
- Team Members (all)** Clean up as necessary.
- Team Members (all)** Return to Assembly Area with all operational equipment
- Team Member #7** Inspect equipment for serviceability and return to proper storage
- Support #1** Video media removed from camera, finalized and processed as evidence
- Scene Commander** Return the prisoner's property to him / her. If the prisoner is still agitated, secure the property.
- Scene Commander** Conduct debrief of operation.
- Scene Commander** Return jail to normal operations.
- Scene Commander** Determine which reports need to be written.
- Scene Commander** Determine if follow up investigation and criminal charging and / or administrative action are needed.